

Remarks

This Amendment is in response to the Office Action dated **June 25, 2007**, wherein: the Office asserted that the application contained three inventions and required election of a single invention; the Office asserted that the manner in which references were listed in the specification did not constitute a proper Information Disclosure Statement; the Office objected to claim 18, alleging informalities; the Office rejected claim 14 under 35 U.S.C. § 112, second paragraph; and the Office rejected claims 1 – 19 under 35 U.S.C. § 103.

Claim 1 has been amended for clarity. Claims 14 and 18 have been amended to correct for an antecedent basis issue and informalities, respectively. Claims 20 and 21 have been withdrawn. No new matter has been added.

The following comments are presented in the same order and with headings and paragraph numbers corresponding to those set forth in the Office Action.

Elections/Restrictions

1. The Office asserted that the application contained three groups of inventions: claims 1 – 19 (“Group I”), claim 20 (“Group II”), and claim 21 (“Group III”). The Office required election of one of the three Groups. Applicants elect to prosecute Group I, or claims 1 – 19, and have withdrawn claims 20 and 21. Applicants reserve the right to prosecute the subject matter of claims 20 and 21 in any subsequent continuation application(s).

Information Disclosure Statement

5. The Office asserted that the references recited in the specification did not constitute a proper Information Disclosure Statement (IDS). Applicants are submitting herewith an IDS on a separate paper, as required by MPEP § 609.04(a).

Claim Objections

6. The Office objected to claim 18, alleging informalities. Applicants have amended claim 18, as presented above, to overcome the objection.

Claim Rejections—35 U.S.C. § 112

8. The Office rejected claim 14 under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicants have amended claim 14 to depend from claim 13, thus providing proper antecedent basis for the phrase “the boiling process.” Applicants assert that the rejection is overcome.

Claim Rejections—35 U.S.C. § 103

11. The Office rejected claims 1 – 19 under 35 U.S.C. § 103, alleging the same to be unpatentable over U.S. Patent No. 5,154,361 to Willoughby et al. (hereafter “Willoughby”). Applicant traverses the rejection.

The Office asserts that:

Willoughby discloses, a method for producing a fibrous material for the manufacturing of preformed parts, in which a portion of particles and/or fibres from plastic material is admixed to a first group of fibres and/or particles, in which a binder is added to the fibrous material and it is pressed into a preformed part upon application of heat, wherein the particles and/or fibres from plastic material are obtained by crushing and/or defibration of pure or mixed plastics in a disc refiner, wherein water is supplied to the disc refiner during the crushing operation [col 2 line 18 to col 3 line 40], characterised in that agglomerate from pure or mixed plastics is crushed in the disc refiner and that the particle size of the particles or fibres from plastic material approximately corresponds to the particle size of the particles or fibres of the first group [fine materials].

The Applicants do not agree. First, Applicants note that despite the *numerous* limitations recited in claim 1, the Office has provided Applicants with only a *single* citation to Willoughby directed toward a crushing operation.

Second, Willoughby is directed towards a method of *quickly* producing finely sized particles by taking plastic scraps and putting them in a cutting machine with water and an anti-foam agent, *not* a method of producing fibrous materials as in the present application. The

only mention in Willoughby of producing any material other than plastic scraps is in Example 12, col. 4, lines 3 – 11. In Example 12, the finely sized particles produced by the method in Willoughby are added to gypsum slurry to produce gypsum board. Because gypsum is a mineral, it is not a fibrous material. Combining finely sized particles and gypsum slurry will not produce a fibrous material, as in the application.

Finally, the application teaches using plastic particles/fibers obtained by crushing and/or defibration of ***agglomerate*** in a disc refiner. Agglomerates are a specific form of plastic. Page 2, first paragraph, of the application describes a method of forming an agglomerate. There is no teaching or suggestion in Willoughby to use an agglomerate to produce a fibrous material.

In order to establish a *prima facie* case of obviousness, “the prior art reference (or references when combined) must teach or suggest all the claim limitations.” MPEP § 2142. “The examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. If the examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of nonobviousness.” *Id.* The Office has provided no evidence that all the limitations of claim 1 are disclosed in Willoughby. As such, the Office has not established a *prima facie* case of obviousness.

Claims 2 – 19 incorporate all the subject matter of independent claim 1. For at least the reasons presented above, claims 2 – 19 are also nonobvious. Applicants respectfully request withdrawal of the rejection.

Conclusion

In light of the arguments presented above, Applicants assert that the application, with pending claims 1 – 19, is in condition for allowance. Favorable consideration and early action to that effect are solicited earnestly.

Should the Examiner have any questions regarding this Amendment, the Examiner is invited to contact the Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

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